

STATE OF ARIZONA



Corporation Commission

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

To all to Whom these Presents shall Come, Greeting:

I, TIMOTHY A. BARROW EXECUTIVE SECRETARY OF THE ARIZONA CORPORATION COMMISSION, DO HEREBY CERTIFY THAT the attached is a true, complete and correct copy of the original MINUTES of the OPEN MEETING of the Arizona Corporation Commission of JULY 22, 1981.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE ARIZONA CORPORATION COMMISSION, AT THE CAPITOL, IN THE CITY OF PHOENIX, THIS 11th DAY OF August A. D. 1981

Timothy A. Barrow
BY EXECUTIVE SECRETARY,

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981
ARIZONA CORPORATION COMMISSION

The meeting was called to order at 2:00 p.m. by Chairman Bud Tims. Also present were Commissioners Jim Weeks and Diane McCarthy. Timothy A. Barrow, Executive Secretary, was in attendance as well as members of the staff, the public, and the news media, and Tom Prose and Woody Evans of the Attorney General's Office.

MOTOR TRANSPORTATION DIVISION

(AUTHORITY)

1. Nationwide Brokerage Co., Inc. (MC-50185) -- proposed cancellation of interstate registration for failure to apply for identification stamps -- Weeks moved the order, seconded by McCarthy, concurred by Tims.
2. Wingfield Livestock Transportation (MV-12421) -- request for suspension of operations -- Weeks moved approval, seconded by McCarthy, concurred by Tims.
3. Ace Trucking Co., Inc. (MC-30584) -- proposed dismissal of insurance citation -- Weeks moved the order, seconded by McCarthy, concurred by Tims.
4. Felix A. Dennis (MC-33332) -- request to withdraw application for common carriage authority -- Weeks moved the order dismissing application, seconded by McCarthy, concurred by Tims.
5. Greenlee Ambulance Service (R&E-261) -- request to withdraw application for deletion of sub-base -- Weeks moved the order dismissing application, seconded by McCarthy, concurred by Tims.
6. Proposed dismissal of insurance citations:

Estell Trucking, Inc.	(MC-31225)
Paul P. Lozano & Sons	(MC-51716)
Fred W. Moyer	(MC-32788)
Trans-Am Freight Lines, Inc.	(MC-31893)
Flagstaff Transportation Co., Inc.	(MC-30762)

Weeks moved the order dismissing, seconded by McCarthy, concurred by Tims.

7. Proposed dismissal of stamp citations:

Circle F. Industries	(MC-31648)
Commodity Brokerage Exchange	(MC-50457)
Harvey A. Durand	(MC-51776)
Tom Durkin Trucking	(MC-28369)
Hodge Trucking	(MC-31128)
Earl Roberts Trucks	(MC-51684)
Rosarita Mexican Foods Co.	(MC-16030)

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981

ARIZONA CORPORATION COMMISSION

(CONTINUED - MOTOR TRANSPORTATION DIVISION - AUTHORITY - ITEM NO. 7)

PAGE 2

Robert J. Salz	(MC-31529)
Roy L. Thompson Co., Inc.	(MC-22147)
Tucker Brothers Trucking Co.	(MC-32398)
Santa Claus Associated Trucking, Ltd.	(MC-51951)

Weeks moved the order dismissing, seconded by McCarthy, concurred by Tims.

8. Proposed cancellation of interstate registrations for failure to apply for identification stamps:

Barker Chemical Company	(MC-31931)
El Syd, Inc.	(MC-51131)
McGee Transportation	(MC-51580)
Fred W. Moyer	(MC-32788)
Robert M. Pate Trucking Co. Inc.	(MC-31786)
Raynor Trucking	(MC-31824)
R. C. Schulz Distributing	(MC-51347)
Harvey Lee Wilson	(MC-51696)
Prowler Industries of Texas, Inc.	(MC-24201)

After discussion, Weeks moved the order, seconded by McCarthy, concurred by Tims.

9. Requests by carriers for cancellation of interstate authority:

John J. Hartigan	(MC-52172)
Rose Enterprises	(MC-50106)
Diamond T. Trucking	(MC-51826)
World Growers Alliance, Inc.	(MC-29518)
Cy Huffman	(MC-51255)
Mairs Livestock Transportation	(MC-30858)
Downs Transportation Co. Inc.	(MC-26965)
George McNamee Trucking Co.	(MC-51357)
Forrest Reece Trucking Co.	(MC-51304)
North Supply Co.	(MC-51061)
Jonami Corporation	(MC-51949)
Western Packing Co.	(MC-28396)
Margaret Ann Jones & William Charles Jones, Sr.	(MC-50292)

Weeks moved the order cancelling, seconded by McCarthy, concurred by Tims.

10. Cachalo Petroleum Corp. (MC-33390) -- application for contract carrier permit (Petro Distributing, Inc.) -- Weeks moved the order granting, seconded by McCarthy, concurred by Tims.

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981
ARIZONA CORPORATION COMMISSION
(CONTINUED - MOTOR TRANSPORTATION DIVISION - AUTHORITY)
PAGE 3

11. Ezzell Trucking, Inc. (MC-32377) -- proposed reinstatement of registration -- Weeks moved the reinstatement order, seconded by McCarthy, concurred by Tims.
12. Transportes Monterrey Pacifico (MC-30204) et al (see Exhibit A for complete listing) -- requests for suspension of operations -- after discussion, Weeks moved the order granting, seconded by McCarthy, concurred by Tims.
13. Transportes Halcones del Pacifico, S.A. de C.V. (MC-32448) -- request for suspension of operations -- Weeks moved approval, seconded by McCarthy, concurred by Tims.
14. Jesse Lopez, Sr. (MC-33392) -- application for common carriage authority (farm products) -- Weeks moved the order granting, seconded by McCarthy, concurred by Tims.
15. Franklin Hice (MC-25245) -- proposed cancellation of common carriage authority for failure to file liability insurance -- Weeks moved the order, seconded by McCarthy, concurred by Tims.
16. McKay & Kohn Transport, Ltd. (MC-50442) -- proposed reinstatement of operating rights -- Weeks moved the order, seconded by McCarthy, concurred by Tims.

(TARIFF)

1. Mortuary Associates (R-12897) -- proposed contract with Office of Medical Examiner (Pima County) -- Weeks moved the order approving, seconded by McCarthy, concurred by Tims.

(SAFETY)

1. Proposed motion to transmit A.C.R.R. R14-5-309 (Safety) to Attorney General for certification -- Weeks moved to adopt the Rule subject to certification by the Attorney General, seconded by McCarthy, concurred by Tims.

(AUTHORITY, TARIFF, SAFETY)

1. Status of pending matters -- Lawrence Wetzel, Director of Motor Transportation, gave a brief status report on a nitric acid spill in Ehrenberg.

SECURITIES DIVISION

1. Dadecor, Inc., Bertrand Garden Apartments, Ltd., Oak Cliff Village North Apartments, Ltd., Southdale Apartments, Ltd., Village Oaks

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981

ARIZONA CORPORATION COMMISSION

(CONTINUED - SECURITIES DIVISION - ITEM NO. 1)

PAGE 4

South Apartments, Ltd., Brett M. Davis (S-2079-I) -- proposed order to cease and desist and consent to same -- Weeks moved the order, seconded by McCarthy, concurred by Tims.

2. Blue Ribbon Tours--Arizona, Inc., Robert Basil (S-2074-I) -- proposed order to cease and desist and consent to same -- Weeks moved the order, seconded by McCarthy, concurred by Tims.
3. Hobas Plantations, Inc., Hobas Plantation Development Co., George S. Reed, Louis Evans, Fred M. Mitchell (S-2001-I) -- proposed order to cease and desist -- Weeks moved the order, seconded by McCarthy, concurred by Tims.
4. DMR Securities, Inc. (S-1677-D) -- application for rehearing or review -- Weeks moved to grant review of the order of June 16, 1981, seconded by McCarthy, concurred by Tims. Weeks then moved, having reviewed, to issue modified order as prepared by counsel and vacate all stays previously granted; McCarthy seconded, Tims concurred.
5. Status of pending matters -- none.

It was noted that the order approved in the matter of DMR Securities, Inc. allowed no additional review by either DMR or the Securities Division.

INCORPORATING DIVISION

1. Status of pending matters -- Mr. Barrow requested that an executive session be held for the purpose of discussion of personnel matters. Weeks moved that an executive session be held at the end of the agenda; McCarthy seconded, and Tims concurred.

UTILITIES DIVISION

1. Confirmation of appointments to the Power Plant and Transmission Line Siting Committee -- Weeks moved confirmation of the following appointed members: Orme Lewis, Arlo B. Lee, Arthur N. Lee, Clyde S. Roberts, Bill Vasko, Richard Counts, and Russ Winkelman. McCarthy seconded, and Tims concurred.
2. Pima Utility Co. (U-2199-81-105) -- application for CC&N for additional territory (sewer and water) (from open meeting of 7-9-81) -- Weeks moved the order approving, seconded by McCarthy, concurred by Tims.
3. PURPA (81-045) -- Cogeneration and Small Power Production-Proposed Policy (from open meeting of 6-29-81) -- Weeks moved to continue this matter to the end of the Utilities agenda, seconded by McCarthy, concurred by Tims.

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981

ARIZONA CORPORATION COMMISSION

(CONTINUED - UTILITIES DIVISION)

PAGE 5

4. CP National (NDN) -- purchased power escalation -- Weeks moved staff's recommendation to set for hearing as soon as possible; seconded by McCarthy, concurred by Tims.
5. Mountain Bell (9981-E-1051-81-243) -- introduction of additional Dataphone Digital Service -- Weeks moved the order approving tariff page, seconded by McCarthy, concurred by Tims.
6. Citizens Utilities Co. (9962-E-1032-81-091) -- application for extension of CC&N (order preliminary issued by Dec. No. 52166) -- McCarthy moved the order granting, seconded by Weeks, concurred by Tims.
7. Metropolitan Water Co. (NDN) -- proposed fire hydrant charges -- after discussion, McCarthy moved the order with correction that the opinion section read the same as the order section. Weeks seconded, and Tims concurred.
8. Southwest Gas Corporation (U-1551-81-175) -- financing matter -- after discussion, McCarthy moved the order granting application for financing, seconded by Weeks, concurred by Tims.
9. Spencer D. Stewart and John F. Long dba Northwest Water Co. (U-1701-81-022; U-2384-81-022; U-2385-81-022) -- application for approval of exchange agreement -- after discussion, McCarthy moved the order approving, seconded by Weeks, concurred by Tims.
10. Southwest Water Co., Division of Bella Vista Ranches, Inc. (U-1338-81-165) -- application for interim rate increase -- Weeks stated he did not believe the criteria for emergency had been met. He moved to hold to allow the Assistant Attorney General to review; McCarthy seconded, and Tims concurred.
11. General Utilities, Inc. (9968-E-1038-81-241) -- application for gas fuel adjustment increase -- Weeks moved the order granting, seconded by McCarthy, concurred by Tims.
12. Request for inspection of confidential records of Desert Carmel Service Company by Water Development Corporation -- Weeks moved approval, seconded by McCarthy, concurred by Tims.
13. Sierra Utility Co. (U-2283-81-154) -- application for approval of agreement to sell all stock to Citizens Utilities Co. and for discharge of line extension agreement -- after discussion, McCarthy moved the order granting, seconded by Weeks, concurred by Tims.
14. Oasis Utility Co. (U-1761-81-156) -- application for approval of agreement to sell all stock to Citizens Utilities Co. and for discharge of line extension agreements and promissory note -- McCarthy moved the order granting, seconded by Weeks, concurred by Tims.

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981
ARIZONA CORPORATION COMMISSION
(CONTINUED - UTILITIES DIVISION)
PAGE 6

15. Foothills Water Co. (U-2348-81-017) -- application for rehearing (Dec. No. 52252) -- Tims moved to consider as a request for reconsideration and add area; the motion died for lack of a second. After discussion, Weeks moved to grant the rehearing for limited purposes only. McCarthy seconded, and Tims concurred.
16. Triangle Development Corp. (U-1934-81-090) -- application for rate increase -- Commissioner Weeks stated he would not participate in this matter as the staff of the law firm involved includes his personal attorney. Tims moved to approve the order. The motion died for lack of a second. McCarthy stated she had various problems with the language in the order, including that it does not state the rate of return, and moved that it be held for two weeks for revision. Tims seconded.
17. Possible declaration to FCC concerning pole attachment regulation -- after discussion, Tims moved that the Commission instruct staff to prepare a letter to inform the Federal Communications Commission that the Commission is asserting jurisdiction over pole attachments. Weeks seconded, and McCarthy concurred.
18. Status of pending matters -- none.
19. APS (U-1345-81-150) -- proposed amendment of procedural order (Dec. No. 52143) -- Weeks moved approval, seconded by McCarthy, concurred by Tims.
20. Ranch Water Co. (U-2235-80-185) -- request for extension of interim rates -- Weeks moved the order granting, seconded by McCarthy, concurred by Tims.
21. Sunburst Farms (Glendale) (U-2297-81-207) -- application for emergency rate increase -- Weeks moved the order granting with the following two corrections: page 1, item 2, should refer to Glendale area; page 2, item 7, that item to be deleted from the order. McCarthy seconded, and Tims concurred.

The Commissioners then returned to the following matter:

3. PURPA (81-045) -- Cogeneration and Small Power Production-Proposed Policy (from open meeting of 6-29-81). Working from Commissioner McCarthy's proposed order (as modified at the last open meeting), the following modifications were made:

Weeks moved that on page 6, item D, the language in the staff recommended order be substituted (as follows); Tims concurred.

D. A QF may be operated in either of two possible system configurations.

1. Simultaneous buy/sell mode: The QF may elect to operate in a simultaneous buy/sell mode, whereby all the generation output

is sold from the generation facilities directly to the utility and all electric requirements are met by sales from the utility. Billing for purchases and sales shall be calculated, at the option of the QF, in either of two methods:

- a. Net bill method: The KWH sold to the utility shall be subtracted from the KWH purchased from the utility. If that calculation is positive, the utility will price the net KWH at the standard retail rate under which the customer purchases its full requirements. If that calculation is negative the utility will price that energy at the standard rate for QF's under 100 KW.
- b. Separate bill method: all purchases and sales shall be treated separately with revenues from sales to the QF calculated on the applicable standard retail rate for full requirements service, and the purchase of power from the QF at the applicable standard purchase rate.
2. Parallel Mode: The QF may elect to operate in a system configuration where the QF's self-generation facilities first supply his own electric requirements with any excess power being sold to the utility. All purchases of the QF's excess generation output by the utility shall be calculated under the applicable standard purchase rate. The utility shall sell power to the QF as required by the QF at the standard retail rate for full requirements service, unless it can be demonstrated by the utility that the total contribution of the cogeneration or small power production technology of the QF within the utility's jurisdiction is so significant as to necessitate an appropriate rate or rates to reflect the partial requirement characteristics of that group of QF's.

Page 4, line 2, re: inserts for billings, McCarthy moved to modify to "...by special insert, or in a manner approved by the Director of Utilities". Weeks seconded, Tims concurred.

Page 7, Item E, Tims moved substitute language that rate and contract form changes will be made at the option of the utility, as part of the utility's overall retail rate applications or every two years. Weeks seconded, and McCarthy concurred.

Page 8, Section VI, Rates for Additional Services; Tims moved to substitute language in paragraph A; the motion died for lack of a second. Weeks moved modification to leave in the requirement but put in qualifying language to allow negotiation of rates subject to Commission approval. McCarthy seconded. Tims did not concur.

MINUTES OF THE REGULAR OPEN MEETING OF JULY 22, 1981
 ARIZONA CORPORATION COMMISSION
 (CONTINUED - UTILITIES DIVISION - ITEM NO. 3)
 PAGE 8

Page 9, line 3; Tims moved to insert at the end of the sentence "and purchased power costs." McCarthy seconded, Weeks concurred.

Page 10, Section XI, Periodic Data Requirements. Weeks moved to require they file the information with the Commission as it is in Paragraph A, and make Paragraph B optional, upon Commission request. Tims seconded. McCarthy concurred.

Page 4, (Order section); Tims moved to insert "its" in the last paragraph of the order to specify that the company only has to survey its own customers. Weeks seconded, McCarthy concurred.

Weeks moved the order as redrafted, to be signed after review to satisfaction of the Commissioners. McCarthy seconded, Tims concurred.

ADMINISTRATION DIVISION

1. Claims and out of state travel requests -- Tims moved approval of the following, seconded by McCarthy, concurred by Weeks:

<u>Claim</u>	<u>To</u>	<u>Agmt.</u>	<u>Reference</u>	<u>Amount</u>
9006	Arizona State University	8-19-80	PURPA cogeneration	\$5,000.00
9007	University of Arizona	7-12-80	PURPA	\$5,000.00
3468	Andrew W. Bettwy	1-20-81	Mountain Bell Phase II-III	\$2,536.20
3466	Ebasco Business Consulting Co.	3-31-81	Tucson Electric Power Co.	\$10,875.03
3467	Andrew W. Bettwy	1-5-81	APS	\$862.00
3469	Barth Weistart	10-21-80	Sulger Water Co.	\$2,179.53
2191	Comgraphix/Southwest Microfilm	6-4-81	Incorporating	\$15,000.00
807	Troupe Kehoe Whiteaker Kent	6-2-81	Citizens Utilities	\$6,426.45
3488	Graeper, Van Noy, Wagner, Inc.	3-31-81	Continental Tel. Co. of the West	\$28,898.58
809	Barth Weistart	4-21-81	Fortuna Water Co.	\$3,539.47
808	Lionel Blain	5-19-81	Sun City West Utilities Co	\$900.00
50002	Janet E. Alvarez	7-9-81	Securities	\$260.00
20000	Joyce Weaver	7-1-81	Incorporating	\$632.00
2189	Comgraphix/Southwest Microfilm	6-11-81	Incorporating	\$2,000.00
2190	Comgraphix/Southwest Microfilm	6-11-81	Incorporating	\$1,750.01
7502	Ernst & Whinney	12-8-80	Innovative rates	\$44,621.48

REGULAR OPEN MEETING OF JULY 22, 1981
ARIZONA CORPORATION COMMISSION
(CONTINUED - ADMINISTRATION DIVISION - CLAIMS)
PAGE 9

Tims moved approval of the following, seconded by McCarthy; Weeks dissented.

<u>Claim</u>	<u>To</u>	<u>Agmt.</u>	<u>Reference</u>	<u>Amount</u>
810	Associated Utility Services, Inc.	4-30-81	APS	\$5,084.32
60140	Edward Bodmer	6-2-81	assistance PURPA	\$800.90

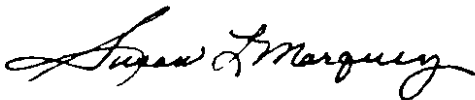
There were no out of state travel requests.

2. Professional services contracts -- Weeks moved approval of the contract to Sue Ori to teach and provide course materials for typing class for Commission employees, for an amount not to exceed \$600.00; McCarthy seconded, and Tims concurred.
3. Minutes of previous meetings -- Weeks moved approval of the following, seconded by McCarthy, concurred by Tims: minutes of the regular meeting of 7-9-81; continuation of 7-13-81; emergency meeting of 7-13-81; and executive sessions of 7-13-81 (1:32 p.m.) and 7-13-81 (1:37 p.m.)
4. Status of pending matters -- none.

Weeks moved to continue the open meeting on a day to day basis to take up claims through the end of July 31, 1981 or/and until all claims have been acted upon; McCarthy seconded, Tims concurred.

The meeting went to executive session at 3:10 p.m. (see motion under heading for Incorporating Division.)

The meeting returned to open session at 3:45 p.m. and was recessed at that time.



SUSAN L. MARQUEZ
Adm. Sec. III

MTA-12 EXHIBIT A

NAME	DOCKET NUMBER	NAME	DOCKET
Transportes Monterrey Pacifico	MC 30204	Evangelina Sanchez Acosta Y Asociados	321
Cesar Y Fernando Saracho	24251	Traylersdel Pacifico	50
Transportes Magdalena De Kino	26689	Sociedad De Produccion Agricola Rural E Industrial	32
Express Sonora	32456	Agropeduaría	32
Travacusa	30202	Union De Transportistas Del Ladrillo De Querobary	32
Auto Express Del Moroeeste	25576	Sociedad De Transportes De Carga En General Roman Yocupicio	32
Transportes Rapidos Del Pacifico	30191	Super Express Fremo	32
Transportes Sonsinbac	30199	Union De Transportistas Del Pacifico Norte Y Sur	32
Transportes Refrigerados Miramar	26678	Trans-Pacifico	32
Transportes Felix	25579	Termorefrigerados Aguascalientes	32
Transportes Y Express Del Pacifico	32547	Transportes Acuario	32
Agricola Moroleon	32219	Transcarga Del Valle	281
Transportes Avila	32473	Transportes Anahuac Del Pacifico	32
Auto Transportadora Mexicana	30359	Transportadora Mexicana Del Pacifico	281
Compania Fletera Occidental	30714	Transportes Cullacan	311
Lineas Unidas De Occidente	30203	Transportador A Y Exportadora Mexicana	501
Juan Gonzalez Reyes Y Asociados	32470	Transportes De Carga Del Centro Y Del Pacifico	321
Transportes Easo	32565	Transportes De Abastos Guadalajara	324
Transportes Pitic	28658	Transportes De Carga Mexico, Sonora, Baja California	324
Auto Express Aldea	32516	Transportes De Carga Celay	324
Transportes Del Centro Y Costa De Mayarit	32452	Transportes De Carga Mayarit Del Pacifico	307
Auto Express Gonzalez	32564	Julio Antonio Verdegue Sacristan Y Asoc.	324
Transportes Edel	32351	Auto Transportes CD Juarez-Parral-Mexico	301
Auto Express San Francisco	32478	Auto Transportistas Unidos Trns-Pacifico	289
Transportes Ganaderos De Sonora	28657	Lineas Internacionales Tijuana	242
Auto Lineas De Navojon	32348	Transcarga Del Valle	286
Transportes General Emilliano Zapata	30208	Transportes Ganaderos De Sonora	286
Auto Transportes De Carga Express Del Pacifico	32517	Transportes General E Zapata	3021
Transportes Hidalgo Del Parral	32445	Transportes Huracanas Del Pacifico	3021
Auto Transportes De Carga Del Pacifico	32890	Transportes Prisa	2861
Transportes Huracanes Del Pacifico	30200	Transportes Ramirez Arambura	2861
Auto Transportistas Unidos Trans-Pacifico	28932	Transportistas Defensores De La Baja California	3011
Transportes Mexico, Baja California	30209	Express Castores Del Norte	3241
Ignacio Esparragoza Salazar	32467	Super Express Costeros Del Pacifico	3270
Transportes Monterrey Harnosillo	32565	Transportes Paquime	3117
Express Olmos Corona	32466		
Transportes Norte Y Sur Del Pacifico	32513		
Express Y Carga Mar De Cortez	MC 32455	Transportistas Unidos	MC 3244
Transportes Pacifico Peninsular	32447	Transportes Unidos Lopez	3266
Fletera Del Sur Division Pacifico	31176	Alianza De Camioneros Del Municipio Y Valle De	28651
Transportes Palma Del Noroeste	32483	Guaymas Y Anexos	
Fletes Guadalajara	32454	Union De Transportistas De Carga Del Servicio Publico	32401
Transportes Perge Da Occidente	32440	Federal Del Estado De Sonora	30201
Fletes Mosa	32474	Transportes Herme	30181
Transportes Puertos Libres Del Pacifico	32374	Transportes Cullacan Da Rosales	30751
Lineas Unidas Marger	31249	Transportadora Continental	32291
Transportes Ramon Francisco Salazar Lopez	32485	Fletes Calmex	32297
Liquidos Del Centro	32829	Fletes Pacifico Y Baja California	24253
Transportes Refrigerados Mazatlan	30198	Auto Lineas De Carga	30180
Sofia Lopez De Peralez	32490	Transportes Guasave	
Transportes Refrigerados Inca	32484		
Gregorio Montelongo Rodriguez	30719		
Transportes Refrigerados Tropicales	32487		
Jose Maria Rey Carrizoza Y Asociados	32453		
Transportistas Unidos De Huatabampo	30110		

REGULAR OPEN MEETING OF JULY 22, 1981
ARIZONA CORPORATION COMMISSION